

LAW OFFICES OF KRISTEN RENZULLI, PC

31 OVERLOOK DRIVE
CHAPPAQUA, NEW YORK 10514
914.263.7703
914.238.9506 FAX
kristen@renzullipc.com

May 11, 2012

Via Fax 973-776-7865

Hon. Cathy L. Waldor, U.S.M.J.
United States Court for the District of New Jersey
50 Walnut Street
Newark, New Jersey 07101

Re: *BanxCorp v. Bankrate Inc.*, Civ. No. 07-3398 (ES)(CLW)
***BanxCorp v. LendingTree, LLC*, Civ. No. 10-2467 (ES)(CLW)**

Dear Judge Waldor:

We respectfully ask the Court that Defendant Bankrate be ordered to produce Thomas Evans for a second day of deposition at the Courthouse on May 17.

After Bankrate's withdrawal of its absurd AEO claims and preconditions that Mr. Mehl be prevented from attending the deposition of Mr. Evans, and defense counsel's assurances that it would act reasonably, Mr. Evans' deposition was rescheduled and started on May 9.¹

Nevertheless, Mr. Evans' first day of deposition was characterized by multiple evasive answers, endless and improper objections, abusive interruptions by defense counsel, and impermissible instructions not to answer fundamental questions of fact. As a result, we have no choice but to continue his deposition at the Courthouse, rather than at defense counsel's office.

Finally, considering the history and complexity of this 5-year old case, the size of the damages claim, and given that Mr. Mehl has been subjected to a total of 10 days of depositions in the above-referenced actions, Bankrate has no right to arbitrarily preclude Plaintiff from completing the deposition of the key witness after less than 6 hours of testimony.

Respectfully submitted,



Kristen Renzulli

cc: All Counsel (*via e-mail*)

¹ While Mr. Evans' deposition was noticed for 10am, the same time as all previous depositions, the May 9 deposition was delayed by approximately half an hour and ended at approximately 5:45pm.